

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S. 3767

To establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be
proposed by Mr. LEAHY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Safety Account-
5 ability Act of 2010”.

6 **SEC. 2. CRIMINAL PENALTIES.**

7 Section 303(a) of the Federal Food, Drug, and Cos-
8 metic Act (21 U.S.C. 333(a)) is amended—

9 (1) in paragraph (1), by striking “Any” and in-
10 serting “Except as provided in paragraph (2) or (3),
11 any”;

1 (2) in paragraph (2), by striking “Notwith-
2 standing the provisions of paragraph (1) of this sec-
3 tion, if” and inserting “If”; and
4 (3) by adding at the end the following:
5 “(3) Any person who knowingly violates subsection
6 (a), (b), (c), (k), or (v) of section 301 with respect to any
7 food and with conscious or reckless disregard of a risk
8 of death or serious bodily injury shall be fined under title
9 18, United States Code, imprisoned for not more than 10
10 years, or both.”.